REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-27 and 39-53 are pending in the application. Claims 1-27 and 39-53 have been rejected. Claims 1 and 39 have been amended

CLAIM REJECTIONS

35 U.S.C. § 101 Rejections

In the Office Action, the Examiner rejected claims 1 and 39 under 35 U.S.C. § 101. The Examiner alleges that claims 1 and 39 do not define a statutory process. Applicant has amended claims 1 and 39 as shown in the **AMENDMENTS TO CLAIMS** section, in order to expressly recite the tangible result/application which is the subject of the pending claims.

Applicant respectfully asserts that these amendments render independent claims 1 and 39 and all claims dependent upon them proper under 35 USC 101, and requests that the rejections be withdrawn.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1-27, 39-41 and 43-47 under 35 U.S.C. § 103(a), as being unpatentable over Volcani et al. (US 2003/0212655) in view of

Carlgren et al. (US 4,456,973) and further in view of Jongsma et al. (US 6,970,677). Applicant respectfully traverses the rejection of claims over Volcani in view of Carlgren and further in view of Jongsma. Applicant respectfully asserts that the Examiner failed to establish a prima facie case of obviousness, by failing to show any motivation or suggestion to combine the teachings of the three unrelated cited references. Furthermore, even if the Examiner had shown motivation to combine the cited references, **the combination would neither have taught nor suggested all the limitations of independent claims 1, 14, 27 and 39.** More specifically, Applicant respectfully asserts that the three cited references are unrelated. Aside and apart from the fact that there is not shown any motivation to combine these references, it is not clear how one could combine the teachings of the secondary and tertiary references with each other and with the teachings of the primary reference. Furthermore, even if such combination were possible, a careful reading of these references would prove that contrary to the Examiner's assertion, the teachings of the primary and tertiary reference neither teach nor suggest a **"user specific profile"** generated by an analysis of the user's own writing samples.

Independent claims 1, 14, 27 and 39, respectively, recite:

1) "A method for language enhancement, comprising:

receiving over a data network data representing text from a user;

computationally **identifying grammatical constructs within the text**;

computationally **enhancing the received text** by determining at least one alternate text portion based on a user specific profile for at least one original portion of the text, the alternate text portion being consistent with the grammatical constructs of the original portion and having substantially the same meaning as the original portion but conveying a different impression; and

wherein the user specific profile is based on writing provided by the user."

14) "A language enhancement apparatus, comprising:

a memory for storing text from a user;

a natural language parser for **identifying grammatical constructs within the text**;

a natural language enricher for **enhancing the text** by determining at least one alternate text portion based on a user specific profile for at least one original portion of the text, the alternate text portion being consistent with the grammatical constructs of the original portion and having substantially the same meaning as the original portion but conveying a different impression; and

wherein the user specific profile is based on writing provided by the user."

27)   "A computer-readable storage medium storing program code for causing a computer to perform the steps of:

receiving text from a user;

identifying grammatical constructs within the text;

enhancing the received text by determining at least one alternate text portion based on a user specific profile for at least one original portion of the text, the alternate text portion being consistent with the grammatical constructs of the original portion, and having substantially the same meaning as the original portion but conveying a different impression; and

wherein the user specific profile is based on writing provided by the user."

39)   "A web service comprising:

receiving over a data network data indicative of a request including one or more sentences of natural language text;

deriving at least one suggestion for **enhancing the one or more sentences based on a user specific profile,** the at least one suggestion-conveying a different impression but retaining substantially the same meaning, and **the user specific profile being based on writing provided by the user;** and

returning a response including the at least one suggestion; wherein returning a response includes transmitting data over a data network, which data may be rendered by a client application to show text indicative of the response."

Whereas, the primary reference generally teaches:

"A computer program that indicates lexical impact of various words and phrases in a text, measures the overall lexical impact of the text, and suggests alternatives for various words

and phrases of the text. The computer program may include a ranked thesaurus for listing alternative words and phrases (e.g., synonyms, antonyms, related), along with an indication of their relative lexical impacts. The thesaurus may alternatively rank words and phrases according to other ranking systems." (Volcani Abstract)

And the secondary reference generally teaches:

"A system for proofreading a text document and automatically detecting and **replacing text words in the document which exceed a predetermined understandability level for the documents intended audience. Text words and synonyms are stored in a dictionary which includes an understandability code for each word based statistically on textbook grade levels**. The operator enters a grade level code into the system for the intended document audience. The system scans the document for words which exceed the desired grade level, highlights those words on the system display and prompts the operator with synonyms which can be used to replace the highlighted word. The operator may select a desired replacement synonym by placing the system cursor underneath the word and depressing and enter key from the system keyboard." (Carlgren Abstract)

And the tertiary reference generally teaches:

"A tutorial method for teaching the scoring of open-ended questions holistically includes displaying a student response to a scorer and permitting the scorer to access a rubric containing the rules for scoring that response. The scorer can choose a display form from a handwritten form and a typed text form that retains and originally present errors. Following the scorer's having entered a score, a model score is displayed so that a scoring efficacy may be determined. Annotations prepared by expert scorers may be accessed to enhance the learning process. In addition, a running correlation between the model and entered scores is calculated and displayed for the scorer over a tutorial session that includes attempts at scoring different responses. The system includes a processor, a workstation, and software for performing the above-described method." (Jongsma Abstract)

In view of the above excerpts from the present application and the cited references, Applicant respectfully asserts that the Examiner failed to show a suggestion or motivation to

APPLICANT(S):   Joel Ovil
SERIAL NO.:   10/613,146
FILED: 07/03/2003
Page 11

combine the teachings of the cited references at the time of the invention. After careful review of the cited references, Applicant respectfully asserts that the Examiner has completely misinterpreted their teachings and has erroneously inferred subject matter that is neither taught nor suggested therein. More specifically, contrary to what is recited in pending independent claims, the secondary reference teaches a writing analysis system which simply identifies words which may not be appropriate for a specific **age/grade group** of students. Determination of such words is **group based** and not **"user specific"** as clearly recited in pending claims. Furthermore, the age/grade profile used to identify the inappropriate words is not based on any review of any writing provided by any member of the group. Applicant respectfully asserts that the Examiner's attempt to cure the primary reference's deficiency regarding a **"user specific profile"** by introducing the secondary reference's teachings is far fetched, to say the least. The pending independent claims recite "...*(a)* **identifying grammatical constructs** within the text...[and] *(b)* **enhancing the received text** by determining at least one alternate text portion based on a user specific profile..." (tags added). Whereas, the secondary reference merely teaches **substituting certain words** for different ones **according to the reader's age/grade group level**.

Furthermore, as admitted by the Examiner, the combination of the primary and secondary references still lacks the teaching of a user specific profile **which is based on the writing by the user**. In an attempt to fill in this last gap, the Examiner has cited the Jongsma reference. Regarding this tertiary reference, the Applicant is totally baffled by the Examiner's use of this reference. Applicant queries the Examiner as to how he would connect a "**System and Method for Teaching and Assessing the Holistic Scoring of Open-Ended Questions**" to the subject matter of the pending claims. Applicant respectfully asserts that no one of ordinary skill in the field of the present invention would even imagine to combine a non-analogous reference such as Jongsma with two other unrelated references such as Volcani and Carlgren in order to achieve recited limitations of the pending independent claims.

The Examiner also rejected claim 42 under 35 U.S.C. § 103(a), as being unpatentable over Volcani et al. (US 2003/0212655) in view of Carlgren et al. (US 4,456,973) and further in view of Jongsma et al. (US 6,970,677), and further in view of Pickover et al. (US 2003/0130898). Furthermore, The Examiner rejected claims 48-52 under 35 U.S.C. § 103(a),
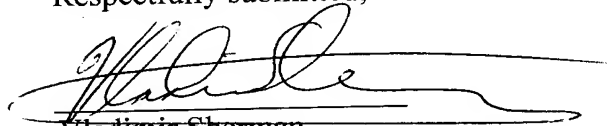
as being unpatentable over Volcani et al. (US 2003/0212655) in view of Carlgren et al. (US 4,456,973) and further in view of Jongsma et al. (US 6,970,677), and further in view of Kinder et al. (US 2003/0212541). Finally, The Examiner rejected claim 53 under 35 U.S.C. § 103(a), as being unpatentable over Volcani et al. (US 2003/0212655) in view of Carlgren et al. (US 4,456,973) and further in view of Jongsma et al. (US 6,970,677), and further in view of Anderson et al. (US 5,678,053). Applicant respectfully traverses the above rejections of claims over Volcani in view of Carlgren and further in view of Jongsma, and further in view, respectively, of Pickover, Kinder and Anderson, because a prima facie case of obviousness has not been established. Furthermore, in light of the foregoing remarks regarding the 103 rejections of independent claims, Applicant respectfully asserts that claims 42, 48-52 and 53 are considered allowable under 35 U.S.C. § 103 by virtue of their dependence on allowable base claims.

In view of the foregoing clarifications and remarks, all the pending claims are considered to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,

Vladimir Sherman
Attorney for Applicant(s)
Registration No. 43,116

Dated: February 16, 2009

Professional Patent Solutions
POB: 654
Herzeliya Pituah, 46105
Israel
Tel: +972 9 9541971 Fax: +972 9 9541975 E-mail: office@propats.com